IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 1128 (S/S) of 2007

Joginder Kumar S/o Late Sri Brij Pal Singh
Present posted as Junior Assistant/Assistant Data Entry Operator in the office of Chief Engineer Scale-I Public Works Department, Dehradun (U.K.) -------Petitioner

Versus

1. Chief Engineer Public Works Department Scale-I Yamuna Colony, Dehradun (U.K.)
2. Senior Administrative Officer
C/o Chief Engineer Public Works Department Scale-I Lok Nirman Yamuna Colony, Vibhag Dehradun (U.K.)

-------- Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Ms. Anjali Nauliyal holding brief of Sri Vivek Shukla, learned counsel for the petitioner and Sri N.P. Shah, learned Standing Counsel State of Uttarakhand for the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent no. 1 to decide the representation of the present petitioner dated 27.07.2007 (contained as Annexure no. 5) to this writ petition.
2. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to sympathetically consider the request/application of the present petitioner for change of his cadre/transfer from the office of respondent no. 1 to the Public Work Department, Division of Haridwar.

3. Any other relief, which this Hon'ble Court may deem fit and proper in the circumstances of the case, may be passed in favour of the petitioner.
4. Award the cost of the writ petition to the petitioner.

The stand of the petitioner is that he was appointed as Junior Assistant/ Assistant Data Entry Operator in the office of Chief Engineer Scale-I (Vyavasthapan Gha Varg) Public Works Department, Dehradun in the year 2006 under the Dying-in-Harness Rules.

Learned counsel for the petitioner has submitted that as the petitioner is a permanent resident of District Haridwar and his farther has already died and he is the only earning person in the family and has responsibility to look after his old ailing mother and the children of his sister and brother in law, who died in an accident few year back. Learned counsel for the petitioner has further submitted due to these responsibilities, petitioner visits from Haridwar to Dehradun daily for performing his duties, because of which the petitioner is suffering from financial and physical hardship.

Petitioner, in view of the above circumstances, has moved application for his transfer/sanvarg parivartan before respondent no. 1 along with other similarly situated persons who also want to change their cadre. But when the list of the employees, who are transferred on their applications, is released, petitioner's name did not find place in the aforesaid list. Aggrieved by the act of the respondent, petitioner again preferred a representation to respondent no. 1 on 27.07.2007, raising all his grievances, but the same is still pending before respondent no. 1. Learned counsel for

the petitioner has alleged that considering all these circumstances, petitioner should also be transferred to Haridwar.

Considering the circumstances aforesaid, I deem it fit and proper to direct respondent no. 1 to decide the representation of the petitioner dated 27.07.2007 sympathetically by a speaking order on all the grounds raised by the petitioner within a period of two weeks from the date of production of a certified copy of this order before him.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

21.08.2007
VKS